

Clerk's  
Receiving No. 2193  
Date: November 7, 2014  
Reference: C-14-1137/R-14-1008  
City Clerk: *[Signature]*  
Deputy

MEMORANDUM OF UNDERSTANDING  
BETWEEN TAHOMA SCHOOL DISTRICT  
AND CITY OF MAPLE VALLEY  
RELATED TO NEGOTIATION OF INTERLOCAL AGREEMENT  
FOR COMMUNITY USE OF DISTRICT ATHLETIC FACILITIES

This Memorandum of Understanding ("MOU") is made as of this 4th day of November, 2014 by and between the City of Maple Valley, a Washington municipal corporation ("City"), and Tahoma School District No. 409, a political subdivision of the State of Washington ("District"), with references to the following facts:

**RECITALS**

- A. City is the owner of that certain real property located in King County, Washington, containing approximately 8.18 acres.
- B. District wishes to acquire the Property in association with, and for the benefit of, District's construction of a high school.
- C. City owns other undeveloped property located immediately adjacent to the 8.18 acres. City had planned to construct Summit Park on the 8.18 acres and other adjacent property. The sale of City's 8.18 acres to District will require City to revise its plan for Summit Park.
- D. District owns athletic facilities throughout and in close proximity to City.
- E. District and City desire to facilitate access to District's athletic facilities for the both the public and the City's recreational programs during those times when the District is not using the facilities for District's education and programmatic needs ("District's Primary Use").
- F. City has agreed to sell the 8.18 acres to District in consideration for, among other things, District's entry into this MOU.

**AGREEMENT TO AGREE**

NOW, THEREFORE, in consideration of the terms and conditions of this MOU, the mutual covenants herein contained, and the purchase and sale agreement for the 8.18 acres, City and District commit to negotiating in good faith and ultimately executing a comprehensive interlocal agreement (ILA) that will address and provide for, among other things, the following:

1. Starting with the 2015-16 school year, and subject to the terms of the ILA, District will allow its existing athletic facilities to be used, in part, for use by City-sponsored recreational programs available to both residents and non-residents of the City of Maple Valley ("City use") and for other public use ("Public use"). Any City use and Public use shall be secondary to District's Primary Use.
2. Beginning in January 2015, City and the District will meet and resume previous negotiations to determine blocks of time and specific locations that will be reserved for City use. This negotiation process will also include meetings with other community sports groups and other members of the public.

3. The process to be described in the ILA will result in the creation of a master calendar that will allow for the advanced scheduling of District use, City use, and Public use and that will guide recreational programming within the greater Maple Valley community. The order of groups in the above sentence should not be construed to connote any particular prioritization of users with the exception of the District's Primary Use.
4. District will be responsible for scheduling District activities first. City will be responsible for scheduling City use within the defined blocks of time and designated locations allocated to City. The ILA will describe this process in greater detail and will describe who shall have responsibility for scheduling use by other users.
5. City and District will revisit this scheduling process at various milestones including: (1) the District's completion of the athletic facilities at the new high school; and (2) the City's completion of new recreational and athletic facilities at Summit Park.
6. City and District intend to have a proposed ILA for consideration and possible action by the City Council and the District's Board of Directors no later than May 11, 2015. If City and District have not jointly adopted an ILA by May 11, 2015, City and District agree to participate in a mediation process to resolve any outstanding differences that are preventing adoption of a final ILA and will continue with the mediation process until a final ILA is adopted by both parties. The cost of such mediation shall be shared equally between the parties.
7. The City and District will agree to use the draft ILA presented to the Maple Valley City Council in October 2014 as a starting point for negotiations, PROVIDED THAT, parties agree that none of those terms shall be deemed binding on any party.

Dated as of the date first written above.

**CITY:**

CITY OF MAPLE VALLEY


By:

A handwritten signature in blue ink, appearing to read "D. Johnston", is written over a horizontal line.

David Johnston, City Manager

**DISTRICT:**

TAHOMA SCHOOL DISTRICT NO. 409

By 

Rob Morrow, Superintendent